

following questions in the course of their voir dire:

Linkosky, Esquire, and hereby respectfully requests permission to ask prospective jurors the

AND NOW COMES Plaintiff, Deborah Novakowski, by and through her counsel, John R.

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Defendants.

OF LABOR.

and the UNITED STATES DEPARTMENT
HIANE CHAO, SECRETARY OF LABOR,

v.

Plaintiff,

Judge Sean J. McLoughlin
Electronically Filed

DEBORRA NOVAKOWSKI,
Civil Action No. 04-356E

FOR THE WESTERN DISTRICT OF PENNSYLVANIA
IN THE UNITED STATES DISTRICT COURT

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1. Name		
2. Age		
3. Marital Status		
4. Male _____ Female _____		
5. PLACE OF RESIDENCE	FROM	TO
CITY		

PART I: BACKGROUND INFORMATION

Civil Action No. 04-356E
Novakowski v. Chao, et al.

JURY QUESTIONNAIRE

Please describe if answer to (h) is Yes

h. Has anyone ever made a complaint about you as a supervisor? Yes: No.

g. Briefly describe your responsibilities at work.

f. Do you have the authority to hire or fire other employees? Yes: No.

c. If you supervise other employees, how many do you supervise directly _____ and indirectly _____?

d. How long have you had this job? _____

c. What is your job Title? _____

b. What is your occupation? _____

a. Where do you work? _____

g. Retired

f. Unemployed—not looking for work

c. Unemployed—looking for work

d. Student

c. Homemaker

b. Employed Part-time

a. Employed Full-time

6. Current employment status

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Please describe if your answer to (i) is Yes.

i. Have you ever made a complaint to a supervisor?

If yes, please describe.

j. Has anyone ever made a complaint that you discriminated against a person on the job?

If yes, please describe.

k. Have you ever made a complaint within a company that you or some one else had been discriminated against on the job?

If Yes, please describe.

l. Has anybody filed a lawsuit or a complaint with a government agency that you discriminated against a person on the job?

If yes, please describe.

m. Has anybody filed a lawsuit or a complaint with a government agency that you discriminated against a person on the job?

Human Resources/Personnel YES NO
Labor Relations YES NO

9. Have you ever been employed in any of the following occupations or has your work ever included any of the following responsibilities or have you ever received any training in any of these areas?
Include any of the following responsibilities or have you ever received any training in any of these areas?

If Yes, please describe.
c. Have you ever been an officer or member of the Board of Directors of a corporation.

If Yes, please describe

b. Have you ever worked as an independent contractor?
 YES NO

0 1-3 4-9 10 or more

If Yes how many employees did you have.

8. a. Have you ever owned your own business?

If Yes, please describe.

m. Have you filed a lawsuit or a complaint with a government agency that you have been discriminated against on the job?

13. (a) Please enumerate and briefly describe any classes, correspondence courses, seminars or workshops you have taken since you left school.

(b) Name and location of school(s)?

(a) Major subject(s)?

12. If you attended college, vocational or technical school, what was your:

() Post-graduate or professional school

() College (four year)

() Junior college (two year)

() Vocational or technical school

() High School

() Grade School

11. Education

EMPLOYER JOB TITLE FROM TO

10. Please list any other jobs you have held during the past ten years that you can recall.

(b) If yes, please list the agency and the highest grade reached.

Yes No

15. (a) Have you ever worked for any branch of the U.S. government?

(b) If yes, please list the branch of service and your highest rank.

Yes No

14. (a) Have you ever served in any branch of the U.S. military?

If yes, please describe.

Yes No

(b) Have you ever had any training, advanced education or employment in any aspect of finance, economics, accounting or business administration?

No () Yes ()

or religion?

18. Do you belong to any private club, civic, professional or fraternal organization that limits its membership on the basis of race, ethnic origin, sex, sexual orientation, national origin

TO _____ FROM _____ OFFICE HELD _____ ORGANIZATION _____

(b) Please list any office you currently hold or have held in the past in these or other organizations.

(a) If yes, please list all of the organizations to which you belong.

() Yes () No

17. Are you a member of any trade or professional association, union, civic club, religious or other organization?

(b) If yes, please list the agency and the highest grade reached.

No () Yes ()

16. (a) Have you ever worked for any branch of the State government?

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Yes No

22. If you have children living at home, will caring for them interfere with your ability to serve on this jury?

OCCUPATION EMPLOYER

Please list their occupations and employers.

21. If there are other adults living in your home other than your spouse, partner or children,

NAME AGE OCCUPATION

20. If you have adult children, please list their names, ages, and occupation, if any:

Yes No

19. Do you have children?

(a) If yes, please list the organization(s).

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23. Do you have any health problems or disabilities which could affect your ability to serve on this jury?
(a) If yes, please explain.
() Yes () No

24. Have you or your spouse/partner ever been a victim of discrimination because of problems at work?
(a) If yes, when did this problem(s) take place.
() Yes () No

25. (a) Do you take any prescription medication of any kind?
(b) If yes, does the medication affect your mental alertness or cause any physical discomfort?
() Yes () No

26. Do you have any religious or other beliefs that would make it difficult for you to sit in judgment on another person?
(a) If yes, please explain.
() Yes () No

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29.	Name	
30.	Current employment status	() Retired () Unemployed -- not looking for work () Unemployed -- looking for work () Student () Homemaker () Employed part-time () Employed full-time

PART II: SPOUSE OR PARTNER'S BACKGROUND

28.	(a) Which television programs do you watch most often? (b) Which television talk shows, if any, do you watch? (c) Which magazines do you read? (d) Do you read business news or business periodicals three or more times a week?	() Yes () No
27.	Please list your hobbies.	

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If yes, please describe.

No () Yes ()

(i) Has your spouse or partner filed a lawsuit or a complaint with a government agency that he or she has been discriminated against by another person on the job?

If yes, please describe.

Yes () No ()

(h) Has your spouse or partner complained within the Company that he or she has been discriminated against on the job?

No () Yes ()

(g) Has your spouse or partner made a complaint about this or her as a supervisor?

No () Yes ()

(f) Does he or she have the authority to hire or fire other employees?

No () Yes ()

(e) Does he or she supervise other employees?

(d) How long has he or she had this job?

c) What is his or her job title?

b) What is his or her occupation?

Where does he or she work?

He or she is employed:

31. If he or she is employed:

If yes, please describe.

Yes No

(n) Has anybody complained within the company that your spouse or partner discriminated against that person on the job?

If yes, please describe.

Yes No

(m) Has your spouse or partner filed a lawsuit or a complaint with a government agency that he or she was discriminated against on the job.

If yes, please describe.

Yes No

(l) Has your spouse or partner made a complaint within the company that he or she was discriminated against on the job?

If yes, please describe.

(k) Has your spouse or partner made a complaint about his or her supervisor?

(j) Briefly describe his or her responsibilities at work.

If yes, please describe.

No () Yes ()

34. Has your spouse or partner been an officer or director of a corporation?

If yes, how many employees did the business have?

No () Yes ()

33. Has your spouse or partner owned his or her own business?

EMPLOYEE TO FROM JOB TITLE

32 Please list any other jobs he or she has held during the past ten years.

(p) Briefly describe your spouse or partner's responsibilities at work.

If yes, please describe.

Yes () No ()

(o) Has anybody filed a lawsuit or a complaint with a government agency that your spouse or partner discriminated against that person on the job?

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If yes, briefly describe the nature of his or her work.

Yes No

35. Has your spouse or partner ever been self-employed or worked for someone else as an independent contractor?

36. Education

- Grade school
- High school
- Vocational or technical school
- Junior college (two year)
- College (four year)
- Post-graduate or professional school

37. If your spouse or partner attended college, vocational or technical school, what was his or her:

- Major subject?
- Name and location of school?

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41. (a) Has your spouse or partner ever worked for any branch of the State government?
(b) If yes, please list the agency and the highest grade reached.
 Yes No

40. (a) Has your spouse or partner ever worked for any branch of the U.S. government?
(b) If yes, please list the agency and the highest grade reached.
 Yes No

39. Has your spouse or partner ever served in any branch of the U.S. military?
(a) If yes, please list the branch of service and his or her highest rank.
 Yes No

38. Please enumerate and briefly describe any classes, correspondence courses, seminars or workshops your spouse or partner has taken relating to sexual harassment, employment law or psychology.

45. Has your spouse or partner ever been under stress because of problems at work?

(a) If yes, when did your spouse or partner experience problems like this?

Yes No

44. Which magazines does your spouse or partner read?

(a) If yes, please list the organization(s).

Yes No

43. Does your spouse or partner belong to any private club, civic, professional or fraternal organization that limits its membership on the basis of race, ethnic origin, sex, sexual orientation, national origin or religion?

(a) If yes, please list all of the organizations to which he or she belongs.

Yes No

42. Is your spouse or partner a member of any trade or professional association, union, civic club, religious or other organization?

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(a) If yes, please describe the circumstances.

Yes No

47. Have you ever been to court before, other than for jury service?

Yes No

(d) Did you enjoy your previous experience(s) as a juror?

Yes No

verdict)?

(c) Have any of the juries on which you have served been "hung" (unable to reach a

Yes No

(b) Were you the foreperson?

COURT (state/federal)	Criminal or Civil?	Type of Case	Date
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(a) If yes, please list the court(s), the type of case(s), and the approximate date(s).

Yes No

46. Have you ever served as a juror before?

PART III: FAMILYMARTY WITH JUDICIAL SYSTEM

Yes No

52. During trial, it may become necessary for attorneys to approach the bench or discuss a point of law outside the hearing of the jury. Will it bother you that the law sometimes does not allow jurors to hear discussion of legal points?

(a) If yes, please describe the circumstances.

Yes No

51. Have you ever thought you might have a reason to file a lawsuit but decided not to?

(a) If yes, how was the case resolved?

Yes No

50. Have you or any member of your household or family, or any close friends ever sued or been sued?

Yes No

49. Have you ever had your deposition taken?

Yes No

48. Have you ever testified in a trial or court proceeding?

53. Which of the following is your main source of news?

() Television
 () Radio
 () Newspaper(s)
 () Magazine(s)

54. Please rate how much you agree or disagree with each of the following statements.

a. Discrimination because of gender (sex) in the workplace is exaggerated.
 () Strongly Agree
 () Somewhat Agree
 () Somewhat Disagree
 () Strongly Disagree

b. There are too many lawsuits today.
 () Strongly Agree
 () Somewhat Agree
 () Somewhat Disagree
 () Strongly Disagree

c. Discrimination because of gender (sex) in the workplace is unfair.
 () Strongly Agree
 () Somewhat Agree
 () Somewhat Disagree
 () Strongly Disagree

Why is that?

d. Most women are treated less favorably than men in the workplace.

() Strongly Agree

() Somewhat Agree

() Somewhat Disagree

() Strongly Disagree

e. Not enough is being done to eliminate discrimination because of gender (sex) in the workplace.

() Strongly Agree

() Somewhat Agree

() Somewhat Disagree

() Strongly Disagree

f. Most claims of discrimination because of gender (sex) in the workplace are untrue.

() Strongly Agree

() Somewhat Agree

() Somewhat Disagree

() Strongly Disagree

g. To what extent do you think attorneys are trustworthy or untrustworthy?

() Very Trustworthy

() Somewhat Trustworthy

() Somewhat Untrustworthy

() Very Untrustworthy

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- c. The court system?
- b. A counselor, psychotherapist, psychologist or psychiatrist?
- a. A lawyer or law firm?

YES NO Who was the worker?

59. Have you or anyone close to you ever worked for

Please explain.

Too small

OK

Too large

58. How do you feel about the size of money awards given in trial today?

57. What is your main complaint or annoyance about attorneys?

Yes No

56. Do you think attorneys feel that the rules others have to live by do not apply to them?

Yes No

55. Have you ever had any dealings with an attorney?

Yes No

64. Do you feel that employers nowadays have gotten the message about the seriousness of gender (sex) discrimination in the workplace?

(a) If yes, please explain.

Yes No

63. Have you ever read any books or magazine articles about gender (sex) discrimination?

Same amount

Less

More

62. Do you think there is more, less or about the same amount of gender (sex) discrimination today as there was 10 years ago?

Yes No

61. Do you feel that lawyers are more likely than other employees to discriminate against

(their employees because of their gender (sex))?

(a) If yes, what happened and how did you feel?

Yes No

60. Have you, or has anyone close to you, ever been denied a promotion by a supervisor at a

place of employment?

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(a) If yes, please describe.

Yes No

68. Are you familiar with the concept of gender (sex) discrimination in the workplace?

(a) If yes, please explain.

Yes No

67. Do you know anyone who may be involved in a situation like what you have heard so far about this case?

(a) If yes, please explain.

Yes No

66. Have you heard, seen or read anything about this case?

(a) If Yes, please describe.

Yes No

65. In this case, the plaintiff (the person who filed the lawsuit) claims that she was denied a promotion because of her gender (sex). Do you have any preconceptions or feelings one way or the other about how this kind of situation should be decided?

PART V: ABOUT THIS CASE

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If yes, describe generally.

Yes No

72. Have you ever had to quit a job because you felt you were being treated unfairly?

If yes, please explain in general terms.

Yes No

71. Have you ever felt that you or someone you worked with had been discriminated against?

If yes, please explain in general terms.

Yes No

70. Have you ever been involved in a situation at work involving discrimination of any kind?

If yes, please describe.

Yes No

69. Have you ever been involved in a situation at work that involved gender (sex) discrimination?

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73. Have you, your spouse/partner, close friend and/or member of your family/household ever been employed as a legal secretary or paralegal?
() Yes () No

74. Have you, your spouse/partner, close friend and/or member of your family/household ever had any training on the handling of complaints of discrimination in the workplace?
() Yes () No

75. Do you feel that most large businesses discriminate against women because of their gender (sex)?
(a) If yes, please explain.
() Yes () No

76. Do you feel that the government discriminates against women because of their gender (sex)?
(a) If yes, please explain.
() Yes () No

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Yes No

83. Do you feel people should be awarded money for psychological pain?

(a) If yes, please explain.

Yes No

82. Given the nature of this case, is there anything in your background and experience that would make it difficult for you to be fair and impartial?

Yes No

81. Have you or has any one close to you, i.e., spouse, partner, significant other, sibling, parent, child ever been discriminated against, because of his or her gender (sex)?

Yes No

80. Have you, your spouse/partner, close friend or any member of your family/household ever made a complaint of discrimination at work?

Yes No

79. Have you ever been accused of discrimination?

Yes No Does not apply

78. Has your employer implemented an internal complaint procedure to investigate and respond to discrimination complaints based upon the gender (sex) of the employee?

Yes No

77. If you work for a business, has your employer implemented a policy against discrimination because of disabilities?

Yes No

88. When you read about large damage awards do you feel that the juries awarded too much in damages?

(a) If yes, please explain.

Yes No

87. Is there any reason why you could not award compensatory damages, that is, damages to pay the victim for present and future monetary loss?

Yes No

86. Do you know what compensatory damages are?

(a) If yes, please explain.

Yes No

85. Do you believe there is any limit of money that should be awarded for emotional distress?

Yes No

84. Do you feel that too much money is awarded for claims of emotional distress?

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John R. Linkosky, Esquire
s/ John R. Linkosky

Dated: June 1, 2006

Respectfully submitted,

90. Will you agree to obey the judge if you are ordered not to read, view or discuss any news media coverage of this case?
(a) If no, please explain.
() Yes () No

89. Are there any matters that you would like to bring to the attention of the judge and
lawyers that you do not wish to discuss in the presence of other potential jurors?
(a) If yes, please describe.
() Yes () No

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John R. Linckosky, Esquire
/s/ John R. Linckosky
Attorney for Plaintiff

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has been *electronically filed* this 1st day of June, 2006.

I hereby certify that the foregoing Plaintiff's Proposed Voir Dire Questions

CERTIFICATE OF SERVICE

Defendants,

ELIANE CHAO, SECRETARY OF LABOR,
and the UNITED STATES DEPARTMENT
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